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10/536,994	05/31/2005	Abdellatif Benjelloun Touimi	0600-1180	1649

466 7590 02/22/2010	**EXAMINER**
YOUNG & THOMPSON	OKEKE, IZUNNA
209 Madison Street	
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Alexandria, VA 22314	

ART UNIT	PAPER NUMBER
2432	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DocketingDept@young-thompson.com

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>21 October 2009</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>11,12 and 14-21</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>11,12 and 14-21</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a) ☒ All b) ☐ Some * c) ☐ None of:

　　　1. ☒ Certified copies of the priority documents have been received.

　　　2. ☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application.

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 11-21 have been considered but are moot in
view of the new ground(s) of rejection.

Applicant argues that the applied reference Safadi fails to mention usage rights for
controlling the right or condition to use the content. Applicant also asserts that even if Safadi
mentioned usage rights included in the DRM scheme, that it is a means to protect the content. It
is well known in the art that usage rights for content are for protecting the use of the content
from unauthorized use. (See applicants spec, Para 2 and 3). Safadi discloses DRM schemes
which include usage rights expressed in different rights expression languages such as XrML, etc.
(See Para 31 and 38-30). These different languages for expressing usage rights raise the problem
of a provider transmitting a usage right in a language that is not recognized by a device.
Applicant's invention and the cited prior art addresses this problem by providing a conversion
station for converting these schemes to the ones (native) recognized by the device. Applicant
also argues with respect to the amendment in the claims that Safadi fails to teach a plurality of
rights expression languages that can be recognized by the device, wherein priority information is
added to the usage rights and the conversion done according to priority. Safadi teaches the device
having the ability to recognize multiple DRM schemes in Para 38, which comprise usage rights
that can be implemented using different rights expression language such as XrML as disclosed in
Para 12-15. Also See Para 39, the conversion done at the proxy is from one language (such as
XrML) to another language recognized by the device (native language). Although, Safadi
discloses multiple languages recognized by the device wherein the proxy does the conversion

according to the languages, Safadi does not teach priority information or doing the conversion according to priority. However, the subject of data processing according to a specified priority is not a new concept in the art and can be introduced to any 'format conversion' service to make the system more efficient and faster by processing tasks of higher priority before those with lower priority. For instance, Segur (US-6212550) discloses a format conversion service for converting one message format to another format recognized by device (See Segur, Col 1, Line 57 thru Col 2, Line 26) wherein the plurality of messages comprise priority information and are ordered and processed according to the priority information (Segur, Col 3, Line 35-52).

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3.   Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 11 recites the limitation "means for declaring a list of the one or more use rights expression language with a priority order". There is no disclosure in the specification or in the drawings of the so claimed "means" for performing this function. In fact, the specification in Para 55 and 60 recites priority order in reference to rights expression languages but fails to disclose any means for performing the function recited in claim 11.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 11-12, 14-18 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Safadi (US-20030126086), and further in view of Segur (US-6212550).

a.   _Referring to claim 11 and 20:_

        Regarding claim 11 and similar claim 20, Safadi teaches a system for accessing, at a

consultation station, information associated with rights to use said information, the use rights

being expressed in a particular rights expression language, the consultation station including use

rights recovery means adapted to recognize use rights expressed in one or more different

languages in order to access said information and including means for declaring a list of the one

or more use rights expression languages with a priority order, which system includes a use rights

adaptation unit including means for receiving use rights data associated with the information to

be accessed (Para 26, 31, 38-39 and 41 teaches receiving at a proxy station, DRM scheme

information (comprising usage rights) associated with contents. The proxy station recognizing

the usage rights language and determining if the device that requested the content can process the

language (XrML, etc) or not and converting the language to one (native) compatible with the

device); and

means for analyzing said use rights data to determine said particular rights expression language

in which said use rights associated with said information are expressed, the user rights adaptation

unit being associated with means for determining the one or more use rights expression

languages recognized by said recovery means of said consultation station, and further including

means for comparing the said particular rights expression language with the one or more use

rights expression languages recognized by said recovery means of said consultation station to

determine if said particular right expression language is recognized by said recovery means (Para

26 and 38-39 teaches the proxy station processing DRM scheme to determine if the device that

requested it can use the DRM scheme language recognized by the proxy. If the device can use

the scheme, it is forwarded to the device, the proxy converts the expression language to a scheme

which is recognized by the device and forwards it to the device); and

use rights conversion means for converting the use rights associated with said information when

expressed in a language that is not recognized by said recovery means of said consultation

station from said particular language in which the use rights associated with the information are

expressed to another language selected from the <u>list of the</u> one or more languages recognized by

said recovery means of the consultation station <u>by taking into account the priority order of the</u>

<u>languages in the list</u> station (Para 21, 23, 38-39 teaches the proxy converting the DRM scheme if

it is expressed in a language which is unrecognizable to the device to a native scheme which is

recognizable by the device)<u>.</u>

Safadi also teaches the device having the ability to recognize multiple rights expression

languages in Para 38 and 39 wherein the proxy does a conversion based on the multiple

languages recognized by the device.

Safadi does not teach priority information added to the list of languages recognized by the device

wherein conversion is based on the priority information but as noted and explained in the

response to argument, adding priority information to tasks which are to be processed at a format

conversion service or station is known in the art and there is enough motivation to add priority

information to the list of languages recognized by Safadi's device so that conversion to those

languages are based on the priority information.

For instance, in the message format conversion service disclosed by Segur, priority codes are added to the message formats compatible with a device and the conversion of the plurality of messages to a formats recognized by the device is based on the priority codes (See the response to arguments and Segur, Col 1, Line 57 thru Col 2, Line 26 and Col 3, Line 35-52) Therefore, in order to make the conversion process faster and more efficient, one of ordinary skill would have been motivated to add priority information to the list of languages recognized by the device so that languages with higher priority which can be converted by the proxy are converted first.

a.   *Referring to claim 12:*

Regarding claim 12, Safadi teaches a system according to claim 11, wherein the use rights adaptation unit includes said means for determining the one or more rights expression languages recognized by said recovery means of said consultation station and wherein said means for determining the one or more use rights expression languages recognized by said recovery means comprises means for remotely interrogating the recovery means (Para 28 teaches processing the DRM data to determine the DRM scheme in order to convert the scheme to a native scheme that will be recognizable by a device).

a.   *Referring to claim 14:*

Regarding claim 14, Safadi teaches a system according to claim 11, wherein said information and said associated use rights are stored in the same information server connected to said consultation station and to said adaptation unit via an information transfer network (Para 26-27.... Contents and DRM scheme stored on a content server and delivered to proxy via an information transfer network).

a.   *Referring to claim 15:*

Regarding claim 15, Safadi teaches a system according to claim 11, wherein said

information is stored on an information server and said use rights associated with the information

are stored on a rights management server, said information server, said rights management

server, said consultation station and said adaptation unit being interconnected via an information

transfer network, and said information including information as to the location of said rights

management server to enable said consultation station to interrogate said rights management

server in order to receive the rights associated with said information (See Fig 1, content server

with DRM 52 for storing contents with DRM scheme, DRM proxy device and processor for

recognizing DRM scheme and for conversion all interconnected via a transfer network).

a.   *Referring to claim 16:*

Regarding claim 16, Safadi teaches a system according to claim 14, including a plurality

of consultation stations connected to said information server through said information transfer

network via a plurality of network nodes and a plurality of adaptation units integrated into each

of the nodes connected directly to said consultation station (Para 37).

a.   *Referring to claim 17:*

Regarding claim 17, Safadi teaches a system according to claim 11, wherein said

consultation station is connected to said adaptation unit via a mobile telecommunication network

and an information transfer network and said networks are connected by a gateway including

information conversion means adapted to convert the information between said mobile

telecommunication network and said information transfer network (See the rejection in claim 11,

Fig 1 and Para 27 and 30 teaches a network wherein mobile consumer device can operate to receive contents and DRM scheme).

a.   *Referring to claim 18:*

        Regarding claim 18, Safadi teaches a system according to claim 11, wherein said consultation station is mobile and said recovery means are adapted to recognize the DRMREL rights expression language (See the rejection in claim 11 and 17).

a.   *Referring to claim 21:*

        Regarding claim 21, Safadi teaches a consultation station adapted to consult information associated with rights to use said information, the use rights being expressed in a particular language, including use rights recovery means adapted to recognize use rights expressed in one or more different languages in order to access said information, which consultation station includes means for declaring a list of one or more use rights expression languages recognized by said recovery means with a priority order, to a use rights adaptation unit in order to receive from the said rights adaptation unit converted use rights associated with said information, the conversion being done according to one of the rights expression language of the transmitted list and according to the priority order (See the rejection in claim 11 and Para 38 teaches the proxy station determining that the device recognizes multiple DRM schemes).

1.   Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Safadi (US-20030126086) and Segur (US-6212550), and further in view of Bormans et al. (NPL, http://www.chiariglione.org/mpeg/standards/mpeg-21/mpeg-21.htm#_Toc23297977)

a.   *Referring to claim 19:*

Regarding claim 19, Safadi and Segur teaches a system according to claim 11 which uses DRM architecture.

Safadi does not teach the DRM language as MPEG-21 rights expression language.

However, Bormans teaches MPEG-21 rights expression language (See Bormans, Section 5.5 teaches MPEG-21 rights expression language).

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to include the MPEG-21 Rights Expression language as disclosed by Bormans in the list of RELs implemented by Safadi for the purpose of expanding the capability of the DRM system to support video contents by using the MPEG-21 REL to define usage rights for media contents such as video.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to IZUNNA OKEKE whose telephone number is (571)270-3854. The examiner can normally be reached on 9:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/I. O./
Examiner, Art Unit 2432

/Jung Kim/
Primary Examiner, AU 2432